



12/18/68


ORDER

WHEREAS, The State Department of Health of the State of New Jersey has found through investigations made by its representatives that the Diamond Alkali Company, in the Borough of Carlstadt, County of Bergen and State of New Jersey, is discharging industrial waste and other polluting matter into Berry's Creek, a tributary to the Hackensack River, being waters of this State, thereby causing or threatening injury to the inhabitants of this State either in their health, comfort or property; and

WHEREAS, The State Department of Health of the State of New Jersey, in consideration of the aforesaid findings, is of the opinion that in order for the wastewater to be properly, adequately and sufficiently treated and/or otherwise disposed of, wastewater treatment and/or disposal facilities must be provided in a manner approved by the State Department of Health of the State of New Jersey; therefore

NOTICE IS HEREBY GIVEN, by the State Department of Health of the State of New Jersey, pursuant to the applicable provisions of R.S. 58:12-2 to The Diamond Alkali Company, in the Borough of Carlstadt, County of Bergen and State of New Jersey, requiring that the said The Diamond Alkali Company, must and shall submit an engineering report on or before March 15, 1969 setting forth the proposed method of treatment and/or disposal to be employed by The Diamond Alkali Company and that such report shall be approved by the State Department of Health of the State of New Jersey

STATE DEPARTMENT OF HEALTH OF THE STATE OF NEW JERSEY


Richard J. Sullivan, Director
Division of Clean Air and Water

Dated: December 18, 1968

Let's protect our earth



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES
ENFORCEMENT ELEMENT

TWIN RIVERS OFFICE PLAZA
STATE HIGHWAY 33
HIGHTSTOWN, NEW JERSEY 08520
(609) 426-0799

GEORGE G. McCANN, P.E.
ACTING DIRECTOR

DIRK C. HOFMAN, P.E.
DEPUTY DIRECTOR

IN THE MATTER OF :

Diamond Shamrock
Chemical Company:

NOTICE OF CIVIL ADMINISTRATIVE
PENALTY ASSESSMENT

Carlstadt / Bergen County:

This Notice of Civil Administrative Penalty Assessment is issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter "NJDEP" or the "Department") by N.J.S.A. 13:1D-1 et seq. and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and duly delegated to the Director of the Division of Water Resources pursuant to N.J.S.A. 13:1B-4.

FINDINGS

1. Diamond Shamrock Chemical Company (Diamond Shamrock) is the owner of an intermediate chemical manufacturing facility located at 13th Street and Berry Avenue, Carlstadt, Bergen County; block 84, lot 2.
2. On December 7, 1983 the New Jersey Department of Environmental Protection issued a New Jersey Pollutant Discharge Elimination System (NJPDES) permit No. NJ0002798 to Diamond Shamrock to discharge from the Carlstadt facility into Berry's Creek which is classified as TW-2 waters.
3. In a letter dated May 6, 1986 to the NJDEP, Diamond Shamrock reported two excursions beyond the permit limitations at its Carlstadt facility. The Biological Oxygen Demand (BOD) reported value of 117 mg/l net for discharge 001A exceeded the 25 mg/l net permit limitation. The reported Total Organic Carbon (TOC) concentration for the same discharge was 90.8 mg/l, which exceeded the permit limit of 20 mg/l net. In the letter, Vincent Bennett

Environmental Engineer for Diamond Shamrock stated that the discharge resulted from an overflow of a formaldehyde tank due to a faulty high level cut off switch. The formaldehyde was vented to the roof, entered the rainwater discharge system and was released at the 001A discharge. [NOTE: In a phone conversation with Mr. Bennett on September 22, 1986, it was determined that discharge point 001A was actually 001 and that discharge 01A-A should be 001A]

4. In a letter dated July 8, 1986 to the NJDEP, Mr. Bennett again reported two excursions beyond the permit limits for BOD and TOC for the 01A-A discharge. The reported concentrations for this discharge were 63.34 mg/l for BOD and 152.0 mg/l for TOC. The permissible limits for these parameters are 25 mg/l net and 20 mg/l net, respectively. A review of the plant operations did not determine the cause of the elevated levels for BOD and TOC. [See NOTE in paragraph 3]

5. Based on the facts set forth in these FINDINGS, the Department has determined that Diamond Shamrock has violated the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., specifically N.J.S.A. 58:10A-6, and the regulations promulgated pursuant thereto, N.J.A.C. 7:14A-1 et seq., specifically N.J.A.C. 7:14A-1.2.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT

6. Pursuant to N.J.S.A. 58:10a-10d and N.J.A.C. 7:14-8.1 et seq. and based upon the above FINDINGS, NJDEP has determined that a civil administrative penalty should be assessed against Diamond Shamrock in the amount of \$1500.

7. Payment of the penalty is due when a final order is issued by the Commissioner subsequent to a hearing if any, or when this Notice of Civil Administrative Penalty Assessment becomes a final order (see following paragraph). Payment shall be made by check payable to "Treasurer, State of New Jersey" and shall be submitted to:

Peter T. Lynch, Chief
Metro Bureau of Regional Enforcement
Division of Water Resources
2 Babcock Place
West Orange, New Jersey 07052

8. If no request for a hearing is received within twenty (20) calendar days from receipt of this Notice of Civil Administrative Penalty Assessment, it shall become a final